

Message Text

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ACTION EUR-12

INFO OCT-01 ISO-00 HA-05 CIAE-00 DODE-00 PM-05 H-01
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R 141447Z SEP 78
FM AMEMBASSY DUBLIN
TO SECSTATE WASHDC 1048
INFO AMEMBASSY LONDON
AMCONSUL BELFAST

LIMITED OFFICIAL USE SECTION 01 OF 02 DUBLIN 03015

E.O. 11652: N/A
TAGS: SHUM, EI, PINT
SUBJECT: IRISHGOVERNMENT DECIDES ON COMMITTEE
OF ENQUIRY RECOMMENDATIONS CONCERNING SAFEGUARDS
FOR PERSONS IN POLICE CUSTODY.

REF: (A) DUBLIN 02919; (B) 77 DUBLIN 02396
LZ1. SUMMARY: GOI SEPTEMBER 12 PUBLISHED REPORT OF
COMMITTEE OF ENQUIRY IT SET UP IN OCTOBER 1977 TO
EXAMINE SAFEGUARDS NEEDED FOR THOSE IN POLICE CUSTODY.
JUSTICE MINISTER COLLINS ALSO ISSUED STATEMENT
ACCEPTING SOME COMMITTEE RECOMMENDATIONS, HOLDING
OTHERS OPEN FOR FURTHER CONSIDERATION, AND RE-
JECTING YET OTHERS (INCLUDING SEVERAL MAJOR PRO-
POSALS). EDITORIAL REACTION TO STATEMENT IS
MIXED, BUT PUBLIC OPINION IS LIKELY AVERSE TO
"TYING POLICE HANDS" AT TIME OF DRAMATICALLY
INCREASED CRIME WAVE IN IRELAND. END SUMMARY.

2. THREE-MAN COMMITTEE (A JUDGE, A FORMER POLICE
COMMISSIONER AND A TRADE UNION LEADER) MADE 23
RECOMMENDATIONS TO SAFEGUARD SUSPECTS IN POLICE
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CUSTODY AND PROTECT POLICE FROM FALSE ACCUSATIONS.
MAJORITY OF PROPOSALS GOVERNMENT EITHER (A)
ACCEPTED; OR(B) STATED ARE ALREADY IN EFFECT.
CATEGORY (A) INCLUDES INFORMING THOSE NEEDING
TO KNOW IN HOME AND ARREST DISTRICTS OF ARREST;
PERMITTING ACCUSED TO WRITE HIS OWN STATEMENT;
SETTING UP ROSTER OF DUTY LAWYERS TO COUNSEL

THOSE DETAINED; ESTABLISHING PERMISSABLE LENGTH OF QUESTIONING AND NUMBER OF POLICE WHO MAY BE PRESENT; AGREEING TO SUMMONS IN LIEU OF ARREST WHEN FEASIBLE. CATEGORY (B) INCLUDES: INFORMING SUSPECT OF RIGHTS, INCLUDING COMMUNICATION WITH FAMILY, FRIENDS, LAWYER; MAINTAINING POLICE LOGS ON ALL DEVELOPMENTS IN ARREST CASES; IMPROVING FORENSICS SO AS TO RELY LESS ON CONFESSIONS; STRESSING IN POLICE TRAINING THE RIGHT AND PROPER TREATMENT OF ACCUSED; COMPENSATION TO THOSE SUFFERING ILL-TREATMENT.

3. GOVERNMENT STATED SEVERAL IMPORTANT RECOMMENDATIONS ARE BEING EXAMINED FURTHER. THESE INCLUDE ESTABLISHING AN INDEPENDENT COMPLAINTS TRIBUNAL; VIDEO-TAPING AND TAPE-RECORDING INTERROGATIONS; AND ADOPTING A COMPREHENSIVE STATUTE EMBODYING PROTECTION TO BE GIVEN THOSE IN CUSTODY.

4. PUBLIC ATTENTION NATURALLY FOCUSED ON PROPOSALS GOVERNMENT REJECTED. ONE SUGGESTED ENDING PRACTICE OF "INVITING" PEOPLE TO POLICE STATION TO "HELP POLICE WITH INQUIRIES" ON THE GROUNDS THAT PEOPLE DO NOT REALIZE THEY MAY REFUSE. COLLINS ASSERTED PRACTICE OBIVIATES NEED FOR LATER ARRESTS IN MANY CASES AND ENSURES CONFIDENTIALITY WHICH LIMITED OFFICIAL USE

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POLICE VISITS TO HOMES AND BUSINESSES CANNOT. COLLINS ALSO STATED THAT FULL IMPLEMENTATION IMPRACTICABLE OF PROPOSAL THAT "CUSTODIAL GUARDIAN" BE ASSIGNED TO SEE TO WELFARE OF EACH DETAINEE; LARGE STATIONS HAVE TOO MANY DETAINEES AND SMALL STATIONS HAVE TOO FEW POLICE, HE EXPLAINED. THE GOVERNMENT FLATLY TURNED DOWN THE SUGGESTION THAT, FOLLOWING CONSULTATION BETWEEN LAWYER AND CLIENT, LAWYER SHOULD BE ENTITLED TO ATTEND ANY SUBSEQUENT QUESTIONING AS OBSERVER. IT ALSO REJECTED THE IDEA THAT THE PROSECUTION SHOULD BE REQUIRED, ON ACCUSED'S FIRST APPEARANCE IN COURT, TO SAY WHETHER HIS STATEMENT OR CONFESSION WILL BE RELIED UPON AND - IF SO - TO PERMIT ACCUSED TO SAY WHETHER STATEMENT MADE FREELY. COLLINS APPROVED THIS RECOMMENDATION FOR APPLICATION AFTER EVIDENCE SERVED ON ACCUSED AND ACCUSED IS RETURNED FOR TRIAL.

5. IRISH TIMES, WHICH CONDUCTED ITS OWN INVESTIGATION OF POLICE PROCEDURES LAST YEAR, RAN AN ANGRY EDITORIAL SAYING THERE IS "PRECIOUS LITTLE"

IN GOI'S STATEMENT TO ENCOURAGE THOSE WHO WANT
ADEQUATE SAFEGUARDS. IT CALLED INDEPENDENT
COMPLAINTS TRIBUNAL, LAWYERS RIGHT TO OBSERVE
AND END TO "INVITATIONS" TO POLICE STATIONKEY
PROPOSALS. TWO WERE REJECTED, AND IT CLAIMS GOI
WILL PIGEON-HOLE TRIBUNAL. IRISH PRESS (CLOSE
TO GOVERNING FIANNA FAIL PARTY) SAW RECOMMEND-
ATIONS AS DESIGNED TO DEAL LARGELY WITHPOLITICAL
CRIMES AND AS BEING REJECTED DUE TO CURRENT WAVE
OF ORDINARY CRIMES. "WE SHOULD BE SETTING A
DIFFERENT TYPE OF EXAMPLE FOR MR. MASON." IRISH
INDEPENDENT SAYS GOVERNMENT'S STATEMENT WILL
AROUSE MORE PUBLIC CONTROVERSY BUT BELIEVES

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SUBJECT: IRISH GOVERNMENT DECIDES ON COMMITTEE
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REF: (A) DUBLIN 02919; (B) 77 DUBLIN 02396

MAJORITY OF IRISH PEOPLE WILLBE GLAD THAT
POLICE POWERS HAVE NOT BEEN WEAKENED BY PROPOSALS
DESIRABLE IN THEORY BUT DIFFICULT IN PRACTICE.

6. COMMENT: IRISH PRESS EDITORIAL IS PERCEPTIVE.
ALLEGATIONS OF MISTREATMENT REFLECTED IN AUGUST
1977 AMNESTY INTERNATIONAL REPORT, WHICH PROMPTED

ESTABLISHMENT OF COMMITTEE COME LARGELY FROM
THOSE CHARGED WITH "POLITICAL" OFFENSES (I.E. IRA
MEMBERSHIP). COMMITTEE SUBMITTED REPORT IN
APRIL 1978 AND WE GATHER THAT DELAY IN PUBLICATION
MAY WELL BE DUE TO DISAGREEMENT WITHIN GOI ON
HOW TO DEAL WITH IT. CURRENT GOVERNMENT, WHEN IN
OPPOSITION, WAS QUICK TO CRITICIZE ITS PREDECESSOR
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FOR LACK OF ZEAL IN PURSUING ALLEGATIONS. MANY
IN FIANNA FAIL PARTY ARE DOUBTLESS UNCOMFORTABLE
WITH GOI STATEMENT WHICH APPEARS TO FALL SHORT OF
MEETING THEIR OWN ERSTWHILE DEMANDS AND OF PRO-
TECTING POLICE FROM SPECIOUS FUTURE ALLEGATIONS
OF MISTREATMENT. ON OTHER HAND, IRELAND IN
RECENT MONTHS HAS EXPERIENCED UNPRECEDENTED
NUMBER OF ARMED ROBBERIES AND OTHER SERIOUS
CRIMES. GOI DECISION ON POLICE PROCEDURES WILL
THEREFORE LIKELY BE POPULAR WITH GENERAL PUBLIC.
INDEED THE GOVERNMENT MAY RELUCTANTLY HAVE CON-
CLUDED THAT NO OTHER COURSE WAS POLITICALLY
FEASIBLE IN PRESENT CIRCUMSTANCES. SHANNON

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